

FILED  
2010 NOV 8 PM 1 31  
CLERK  
CLERK

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BUTTE DIVISION**

KYM HUMPHREY,

Plaintiff,

vs.

BRIAN GOOTKIN, et al.,

Defendants

No. CV 09-92-BU-SEH

**ORDER**

On October 6, 2010, United States Magistrate Judge Keith Strong entered Findings and Recommendations<sup>1</sup> in this matter. Plaintiff did not file objections. No review is required of proposed findings and recommendations to which no objection is made. Thomas v. Arn, 474 U.S. 140, 149-152 (1986). However, this Court will review Judge Strong's Findings and Recommendations for clear error.

---

<sup>1</sup> Docket No. 15.

Upon review, I find no clear error in Judge Strong's Findings and Recommendations and adopt them in full.

ORDERED:

1. The Amended Complaint<sup>2</sup> is DISMISSED.
2. The docket shall reflect the filing of this action constitutes one strike under 28 U.S.C. § 1915(g).
3. A certificate of appealability is DENIED. Any appeal from this disposition will not be taken in good faith due to the frivolous nature of the issues raised and inability to state a claim.

The Clerk is directed to enter judgment accordingly.

DATED this 8<sup>th</sup> day of November, 2010.

  
SAM E. HADDON  
United States District Judge

---

<sup>2</sup> Docket No. 14.